

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

v.

ANTONIO ORTIZ

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CRIMINAL ACTION NO. 10-789

**ORDER**

**AND NOW**, this 23<sup>rd</sup> day of February, 2016, upon consideration of the pro se Motion For Downward Departure Pursuant to 5H1.3 and 5K2.0 filed by Antonio Ortiz (ECF No. 68), it is **ORDERED** that the Motion is **DENIED**.<sup>1</sup>

**IT IS SO ORDERED.**

**BY THE COURT:**



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**R. BARCLAY SURRICK, J.**

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<sup>1</sup> Defendant seeks a downward departure in the sentence imposed by this Court on June 13, 2011 based upon reduced mental capacity. This is the second time that Defendant has filed such a motion. The first motion (ECF No. 52) was denied by footnoted Order dated July 17, 2012 (ECF No. 59). That Order discussed the basis for the Order, noted that Defendant had received a significant downward departure from the sentencing guidelines, and pointed out that Defendant's mental status had been fully disclosed at the sentencing hearing and had been considered by the Court in imposing sentence. The instant motion is not only untimely, it is frivolous.